

Message Text

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PAGE 01 STATE 041680
ORIGIN L-03

INFO OCT-01 ISO-00 JUSE-00 TRSE-00 LAB-04 IO-14 /022 R

DRAFTED BY L/UNA:DSTEWART/L:SMSCHWEBEL
APPROVED BY L:SMSCHWEBEL
JUSTICE:GOLDKLANG
TREASURY:REAGAN
LABOR:LINSENMEYER
IO/LAB:MILLS

-----076547 171933Z /53

O 162228Z FEB 78
FM SECSTATE WASHDC
TO USMISSION GENEVA
INFO USMISSION USUN NEW YORK

UNCLAS STATE 041680

CORRECTED COPY (PARA 3, LINE 7 OMITTED)

E.O. 11652: N/A

TAGS: ILO

SUBJECT: PRIVILEGES AND IMMUNITIES OF THE ILO

1. PLEASE CONVEY TO FRANCIS WOLF, LEGAL ADVISER, ILO, FOLLOWING CONCLUSIONS OF OFFICE OF LEGAL ADVISER ON QUESTIONS HE HAS RAISED AS TO WHETHER THE ILO CONTINUES TO ENJOY PRIVILEGES AND IMMUNITIES IN THE U.S. WOLF IS ANXIOUS TO HAVE THESE VIEWS BEFORE OPENING OF BUSINESS FEBRUARY 20.

5229. UNDER THE GOVERNING LEGISLATION, THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT, THE PRESIDENT MAY ACCORD P AND I TO ORGANIZATIONS IN WHICH THE U.S. "PARTICIPATES". OUR RESEARCH ESTABLISHES THAT THE INTENT OF THAT LEGISLA-
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TION IS TO EQUATE PARTICIPATION WITH MEMBERSHIP. SINCE THE USG HAS WITHDRAWN FROM THE ILO, IT CANNOT CONTINUE INDEFINITELY TO EXTEND P AND I TO THE ILO.

3. AT THE SAME TIME, AN EXECUTIVE ORDER DESIGNATING AN ORGANIZATION AS ENTITLED TO P AND I CEASES TO COVER SUCH AN ORGANIZATION ONLY UPON ISSUANCE OF A SUBSEQUENT

PRESIDENTIAL ORDER TO THAT EFFECT. CESSATION OF COVERAGE CANNOT BE PRESUMED OR INFERRED BECAUSE OF A CHANGE OF CIRCUMSTANCES, FOR THAT COULD LEAD TO INSUPPORTABLE CONFUSION. MOREOVER, IN VIEW OF FACT THAT THE ILO HAS HAD AND CONTINUES TO MAINTAIN A PRESENCE IN VARIOUS FORMS IN THE U.S. WHICH IS COVERED BY P AND I, THE ILO IS ENTITLED TO A REASONABLE PERIOD OF NOTICE OF TERMINATION OF ITS P AND I.

4. STATE DEPT ACCORDINGLY PLANS TO RECOMMEND THAT AN EXECUTIVE ORDER BE ISSUED TERMINATING ILO PRIVILEGES AND IMMUNITIES AT A SPECIFIED FUTURE DATE, SUCH AS MAY 30, 1978. WE ARE NOW IN PROCESS OF SEEKING TO CLEAR THESE CONCLUSIONS AND THIS PROCEDURE WITH DEPT OF JUSTICE AND OTHER DEPARTMENTS CONCERNED. PENDING SUCH CLEARANCE, THE VIEWS EXPRESSED IN THIS MESSAGE MUST BE TREATED AS PROVISIONAL.

5. WE ARE POUCHING A COPY OF L'S MEMORANDUM, WHICH WE WOULD APPRECIATE YOUR SUBSEQUENTLY PASSING TO WOLF. VANCE

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, RELATIONS WITH INTERNATIONAL ORGS, INTERNATIONAL LABOR ORGANIZATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 16 feb 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE041680
Document Source: CORE
Document Unique ID: 00
Drafter: DSTEWARD/L:SMSCHWEBEL
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780188-1212, D780072-0672
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780245/aaaablyt.tel
Line Count: 82
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: c46a47d5-c288-dd11-92da-001cc4696bcc
Office: ORIGIN L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 24 feb 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3569364
Secure: OPEN
Status: NATIVE
Subject: PRIVILEGES AND IMMUNITIES OF THE ILO
TAGS: ELAB, US, ILO
To: GENEVA
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/c46a47d5-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014